Review of: Bauzon, S: Le Devenir humain : Réflexions éthiques sur les fins de la nature

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SHORT LITERATURE NOTICES

Short literature notices

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Glad, J.: Jewish Eugenics. Wooden Shore, Washington D.C., 2011, 464 pp, ISBN 978-0897030052, Price: USD 24.95

John Glad, a retired professor of Russian studies, has devoted his last book to exploring "a topic that supposedly not only does not exist, but one that is even inconceivable, a contradiction in terms": *Jewish eugenics* (p. 10). The primary goal of his book is to show that eugenics, despite its extremes, has benefitted the Jewish people and shaped them into an ingenious and intelligent group. Furthermore, the present negative shadow cast on eugenics by a marginal yet persistent Jewish faction embodies a direct attack on the very essence of what it is to be a Jew.

Glad's book contains two primary sections. The first portion opens with a discussion of eugenics generally and specifically as it has related to the Jewish people and shaped the very essence of Jewry, particularly Jewish intelligence. One of many questions Glad raises is who is a Jew; that is, what comprises the essence of Jewry? Glad concludes that it is a social construct that is characterized as "members of cultural and breeding alliance" and notes there is no genetic link between ancient Jews and modern Jews (p. 46). This means that the Jewry is not defined by genetic similarities preserved over time, but rather through eugenic dynamism. The Jewish community has high barriers toward outsiders but is not totally secluded; hence a steady incursion of high-quality genes were introduced and assisted in building superior intelligence. Prominent Jewish thinkers initially accepted Darwinism as applicable to humans but later also championed egalitarianism thus arriving at a modified version of Darwinism (a combination of nature plus nurture). Glad argues that Judaism's pro-eugenics thrust has been unremittingly buried as a result of the ongoing public association of eugenics only with the tragedies unleashed during the Holocaust. The "eugenics-is-evil" message has become deeply ingrained. Eugenics is a both social and scientific movement that attempts to substitute natural selection with scientific selection and has been practiced by Jews from ancient times through the 1960s. Even though a minority Jewish vanguard has attempted to wipe clean this historical support for eugenics, Glad concludes by arguing that a eugenics recovery is revealed in the Israeli approach to reproductive cloning.

The second portion of the book consists of a brief macro-chronology and an impressive micro-chronology spanning more than 165 years and identifying more than 400 different historical moments of Jewish support of eugenics. The conclusions Glad draws paint a stark picture of humanity. The Jews, and human society as a whole, are on the path to self-induced devastation because non-biologically based models carry more weight than biological explanations. Glad concludes by presenting a strong case that, despite eugenics horrific past, the perception painted for the masses is based largely on myth, bad science, historical embellishment and distortion. Thus the entire discourse is in critical need of reassessment. His conclusions are at a minimum thought-provoking, and certain to generate new scholarship on both sides of this debate.

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Bauzon, S: Le Devenir Humain. Réflexions éthiques sur les fins de la nature. Presses Universitaires de France, Paris, 2011, 128 pp, ISBN 978-2-13-058921-1, Price: € 24.00

This book deals with fundamental questions about the ethical differences between a deterministic and teleological understanding of human nature. Stéphane Bauzon is a French scholar teaching legal philosophy at the University of Rome II "Tor Vergata". He asks: "Should we see the science of nature as fundamental or should we accept that nature as a *telos*?" (p. 8). For him, "To become human means fighting to find values in human existence. His goal is to show that human beings are constituted by being in process which gives room to a *telos*, as life is not by chance." He looks at how the world and human nature ought to be interpreted and he contrasts two possibilities. On the one hand, there is objectivity, determinism, reductionism, and realism; on the other hand, there is subjectivity, process, probability, and *telos*. He proceeds by considering humans and animals, humans and machines, humans and vulnerability, and humans and God.

First, Bauzon discusses how Alfred North Whitehead criticizes Darwin's refusal of any teleological explanation of the process of nature (p. 12). Both accept evolution, but for Whitehead, it is a teleological evolution and not a blind evolution. Bauzon defends Whitehead's position, without embracing a kind of "Intelligent Design" theory. He also refuses to put humankind in the same category of apes and grant them the legal status of 'person,' as Peter Singer and Richard Dawkins advocate. For Bauzon, the mere fact that we are unable to reproduce with apes is a biological basis for claiming we are two different species. Here, he agrees with Nicholas Agar's latest book *Humanity's End.* Now, some recent studies have shown that *Homo sapiens* had sexual encounters with *Neanderthals*, but it is unlikely they had children. Still, some argue that with new technologies we could give birth to a hybrid of the two species. Nonetheless, for Bauzon the impossibility of reproduction without artificial aids between great Apes and *Homo sapiens* is a normative line between the two species, and the two are not to have the same legal rights.

Second, Bauzon addresses transhumanist authors like Nick Bostrom who wish to redesign human nature with biotechnology. He argues that humankind should always remain embodied, and by trying to become cyborgs, or "posthuman," humans will deny their embodiment. He rightly connects this idea with the Platonic desire to free one's spirit from the body (p. 53). For Bauzon, the abandonment of human embodiment is the destruction of humanity itself: "the inevitable end of biotechnologies will not improve, but destroy humankind" (p. 55).

Third, the fragility of human beings is what pushes us to improve ourselves. But this fragility is also what brings civilization to humankind. By helping the fragile in society, humanity creates culture, which differs from nature, where humans were "wolves" for one another (p. 9). In today's medical world, the protection of children reflects this protection of the fragile among us. However, genetic manipulation could threaten this achievement, by removing our fragility and the values it creates. Moreover, the vulnerability of the environment brings additional challenges, although the author insists that humanity differs from its environment and refuses to give nature "rights" against humankind.

Fourth, Bauzon aligns himself with the Catholic view that each human individual is one being, body and soul. He concludes by saying that to understand human existence as a process is to be conscious that each life is a gift and one has to take care of it. He also reminds us that health should not be a new message of salvation and that the hope of a healthy life should not replace the hope of a *good* life (p. 115). In summary, he argues that humans are in danger if they become mere animals, are replaced by "posthumans," stripped of their fragility, or are not seen as sacred.

Although the book relies on a Christian theological view of the person, non-Christians can still appreciate it, as it also focuses on an Aristotelian understanding of nature. Here, Bauzon is aligned with recent philosophers like Bernard Williams, Martha Nussbaum, Rosalind Hursthouse, and Alasdair MacIntyre, who have also been heavily influenced by Aristotle. He writes, "The Aristotelian final cause needs to be rehabilitated: not his scientific method, but his questioning about the *telos* of nature, to connect it with the complexity of science" (p. 6). While it is interesting to think that evolution has a goal, Bauzon does not explain what this goal is. Why does humankind evolve? To be fair, he mentions "there is an evolution of creation, because creation is oriented towards perfection (there is a promise of perfection, not a predetermined program)" (p. 21). Nonetheless, the answer remains open. I suppose it will have to be theological. Still, even if one disagrees with his theological views, there is surely a real danger of instrumentalizing humankind through new technologies.

In the end, Bauzon's book has bioconservative values in the spirit of Leon Kass, which some may not appreciate. Yet when considering radical changes in human nature, we do need to reflect on whether or not there is something beautiful in being 'merely human,' as even bioliberal Nicolas Agar has done recently in *Humanity's End.* Is it that unfortunate to be mortal, finite, and embodied? This book will definitely be a great resource in the francophone literature, which still lacks voice in this discussion.

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Joerden, J.C., Hilgendorf, E., Petrillo, N., Thiele, F. (eds.): Menschenwürde und moderne Medizintechnik. Nomos Verlagsgesellschaft, Baden–Baden, 2011, 432 pp, ISBN 978-3-8329-6596-9, Price: € 89.00

There are serious uncertainties about the significance and the intrinsic function of "human dignity" (stated "inviolable" in Art. 1.1 of the German Constitution). Such uncertainties are a source of particular concern (*Düwell*, p. 77), especially if one considers that dignity is a fundamental concept of any legitimate legal and political system. The present volume gathers papers given at two conferences of a research group on human dignity established at the Centre of Interdisciplinary Research (ZiF) of the University of Bielefeld, in Germany. The aim of the book is to generate a critically reflective appraisal and practical exploration on some the issues raised by modern biotechnologies. As the editors point out in the introduction (p. 11), the volume covers a great variety of issues ranging from the controversy about human embryos (including cloning and preimplantation genetic diagnosis, that was recently permitted by law in Germany) to human genetics (in medical diagnosis and therapy), up to the modern procedures of neuro- and nanotechnology, as well as future scenarios of "human–machine" interaction, artificial intelligence and "human-animal-creature"(chimaeras, hybrids). The fact is that today no topic of bioethics or biolaw can be reasonable discussed without the understanding of the concept, validity and normative implications of the idea of human dignity in the competing horizons of law and ethics (*Rothhaar*, p. 95).

The present volume offers the great advantage, compared to older, primarily constitutional or legal-philosophical works, of reflecting the results of a truly interdisciplinary effort, which includes disciplines such as philosophy, biology and medicine. The conventional interpretation that is still dominated by the "object-formula" proposed by the German constitutionalist Günter Dürig must be regarded for many reasons as unfit. Therefore the inputs of the first chapter (p. 45) are subject of the fundamental analytical preliminary clarifications on the way to a "theory of human dignity". This meta-theoretical contributions by renowned (legal) philosophers and ethicists open the perspective for new notional and conceptual understandings in which the authors do not agree that the "human dignity" (better to replace with a concept of "human *rights*") is at the end only an "empty formula" (*Holówka,* p. 129) which has to be understood exactly reversed as overly rich in content (and therefore not defined) "idea" (*Andorno*, p. 138), or better should be pursued a "middle way" beyond sceptic or euphoric assumptions (*Hörnle*, p. 57 f.). That the personal organising institution of "human dignity" cannot depend on empirical properties as was claimed in the debate on the moral status of embryos seems not to be serious debatable (cf. for one *Wittwer*, p. 181: "unsustainable interpretation").

The second and third chapter (p. 197 ff. and p. 327 ff. respectively) involve phenomenological, anthropological and evolutionary perspectives and exemplify the search for possible dimension of "human dignity" and the relevance of "people pictures" on the basis of selected bioethical and biolegal fields of application, such as the acceptability of human experiments (*Frewer*), xenotransplantation (*Dietrich*) or the commercialization of the human body (*Kliemt*). Certainly, the many facets of the extensive general theme are not exhausted. But even this first volume, which will be followed by a second one, shows the fertility of a genuine interdisciplinary work. More importantly, it is not the question of winning answers (which in the present context can anyway be given temporarily) but rather of asking the right questions. Finally the questions are those which actually open the door to the answers.

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Wicclair, M. R.: Conscientious Objection in Health Care. An Ethical Analysis. Cambridge University Press, Cambridge, 2011, 252 pp, ISBN 978-0-521514316. Price: € 65.27

The principle of conscience has been (and still is) an important source of moral obligations in deontological ethics. Although meant as a universal source, it takes the individual's moral convictions as a prime source of duties and obligations in ethics on the one hand; but on the other hand, in modern times (at least since Hegel), it has been taken as a principle that allows individuals to follow their conscience and refuse obligations society or other moral agents want to put on them. In societies that attach great value to pluralism and personal autonomy, the appeal to the authority of one's own conscience takes the form of refusing to act according to widely accepted social, legal or moral rules of one's society demand as default position. This is the basic structure of the conscientious objection which is the topic of Wicclair's recent book.

It is not surprising that the conscientious objection plays an important role in all areas of conduct in which there is deep disagreement about what the ethical right or good action is. And it comes as no surprise, too, that health care practice is one of the most prominent contexts where the conscientious objection is invoked. Although the conscientious objection has been historically related to military service and to religious freedom, it is evident that matters of life and death, of killing and letting die are also common phenomena where it can operate.

Wicclair discusses the role of the conscientious objection in relation to three health care professions: medicine, nursing, and pharmacy, which is plausible since the general ethical problem relates to all three groups, the decisions in one group do effect the options of the other groups and,

stemming from this, the conduct of these three professions are ruled by similar ethical guidelines.

The conscientious objection gives rise to a conflict between a patient's right and the conscience-based refusal of, let's say a physician, to act accordingly. Wicclair distinguishes three possible answers to this dilemma: denying that the conscientious objection can justify such a refusal anywhere; claiming that referring to one's conscience always overrules the ethical entitlements of others, and a "compromise approach that provides some accommodation for conscience-based refusals but only within the limits of specified ethical constraints" (xi). In this book Wicclair shows convincingly that both the extreme positions cannot be defended in the context of health care. And he gives a basic sketch of the ethical limits conscience-based refusals should have (e.g. severe harm for the patient or even "excessive impediment to a patient's timely and convenient access to the good or service" (ibid.). In the six chapters of his book, Wicclair defends this compromise approach clarifying how the conscientious objection works and what are the ethical limits of its use in the context of health care. Therefore this book is a helpful reading for every practitioner in the field and a useful reading for philosophers. Although it would have been interesting to also read something about the differences between the three above mentioned professions, the main strategy to work out the shared elements is reasonable for the overall aim of this book which is to argue for a good standard in health care concerning the use and acceptance of conscientious objections. Maybe philosophers will worry about whether it is not the defining feature of the principle of conscience not to be weight up against other ethical claims so that the compromise approach cannot do full justice to the conscience objection and its moral strength. But arguing this way directly would lead to one of the two extreme positions that, according to Wicclair, are of no help in the real contexts of health care. So reading this book we can also learn that we may have to free the conscience objection from the philosophical tradition which has been its source if we want to give it some place in our ethical life.

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Hug, K. & Hermerén, G. (eds.): Translational Stem Cell Research. Issues Beyond the Debate on the Moral Status of the Human Embryo. Humana Press, New York, 2011, 461 pp, ISBN 978-1-607619581, Price: € 149.75

So far, the stem cell debate has mainly focused on the moral status of the human embryo. This volume adds another perspective by presenting the scientific, social, legal, and ethical challenges posed by the *application* of stem cell research. About 45 international authors from different disciplines offer their respective perspectives on the wide scope of (clinical) application of stem cell research. In eight parts the scope of discussion ranges from general scientific questions concerning clinical applicability, therapeutic benefits, and successful implementation to ethical considerations and aspects of social acceptance.

The volume starts with a critical examination of the state of the art of biomedical stem cell research. In this context the possible use of human embryonic stem cells as well as induced pluripotent stem cells for the purpose of treating various diseases is presented and thoroughly discussed. The view prevails, that the field of applied stem cell research progresses slowly: not least due e.g. to high costs and the experience that data obtained by animal models cannot be simply transferred to the human. Thus, the development of clinical therapies will last some time.

In the second part of the volume ethical aspects of the clinical application of stem cells or stem cell derived cells complement the overview: Besides a discussion of fundamental questions concerning clinical application of new research results, the use of animals is discussed, and the specifically ethical issues of translational stem cell research in Pediatrics are investigated. In addition the latter issue is illustrated in a fictional case study.

In the following part authors deal with interspecies entities such as chimeras and hybrids that could be used for alternative methods to generate stem cells. Especially the different types of human-animal-entities raise normative questions, e.g. regarding species integrity and human identity. Although the establishment of biobanks is undeniably necessary for the long-term resource of stem cells it generates questions concerning international quality standards, broad and limited consent, legal frameworks etc. These aspects are debated in part IV.

The possible ethical tensions between research and commercial funding leads to topics like collaboration, conflicts of interest (Part V), and the patenting of inventions based on findings in stem cell research. The latter is discussed from a legal and an ethical point of view in part VI.

Due to its use of human embryos, stem cell research has been controversial not only in the scientific community, but also in the general public. Therefore, the VIIth part of the book focuses on the interactive relation between the general public and researchers. In the following parts, the most important psychosocial and cultural factors which influence the attitude towards translational stem-cell research are identified and its meaning for a sustainable discourse is discussed. Moreover, after presenting ethical evaluation of Research Ethic Committees, the volume ends with a glimpse into the future of stem cell research: What is the role of risk-concepts now and what will it be in the future?

Will social justice be affected by the clinical application of stem cell therapy and which safety standards will have to be met?

Illustrative figures, explanatory charts, and a thorough index complement the altogether comprehensive content. This book is a multifaceted contribution to the existing body of literature on stem cell research. It opens up perspectives demonstrating that stem cell research also requires the analysis of questions "beyond the moral status of the human embryo".

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Manaï, D., Burton-Jeangros, C. & Elger, B. (eds.): Risques et informations dans le suivi de la grossesse: droit, éthique et pratiques sociales. Staempfli, Bern, 2010, 332 pp, ISBN 978-3-727287589, Price: CHF 68.00

The aim of this book, whose title can be translated as "*Risks and Information in Pregnancy Care: Law, Ethics and Social Practice*", is to examine the convergences and tensions between the legal principles governing patient information, on the one hand, and the practices surrounding patient information in pregnancy care, on the other. The volume is the fruit of an interdisciplinary research project funded by the Swiss National Science Foundation and conducted by a group of researchers in law, sociology, medicine and ethics at the University of Geneva.

The book is divided into three parts, which are preceded by a general introduction on the interplay of law, medicine and society in pregnancy care. The introduction highlights the central role of information during pregnancy both for medical and legal risk management. The processes of "*juridicisation*" and "*judiciarisation*", respectively, are identified as a potential source of tension between law and medicine. An area is "juridicised" when it becomes the object of increased legislation (p. 15), whereas "judiciarisation" refers to an increase in reliance on judicial dispute resolution (p. 18).

Part I of the book describes the normative context in which the doctor-pregnant patient relationship is embedded. It comprises an introductory section and five chapters dealing with the general principles governing patient information under Swiss law (Chapter 1), the legal framework surrounding prenatal analyses and medical liability for failure to inform (Chapter 2), specific issues surrounding information on the risks of medication during pregnancy (Chapter 3), possible implications of non-judicial conflict management systems in the medical context (Chapter 4), and medical liability under French law (Chapter 5). French law was selected because of the notorious *Perruche*-decision, the reactions to which are deemed a good illustration of the tension between medicine and law (see p. 18).

The results of the empirical study, in which semi-directive interviews were conducted with 50 pregnant women, 26 gynaecologists-obstetricians and 15 midwives in the French-speaking part of Switzerland, are set forth in Part II. After an introductory section, the women's expectations and experiences during pregnancy are described and analysed (Chapter 6), followed by the views and experiences of the midwives (Chapter 7) and gynaecologists-obstetricians (Chapter 8). It is noteworthy that several doctors and midwives expressed their fear of an "Americanisation" of Swiss law (pp. 237–238, 268–269). Including a section on US law might have helped to put this fear into context.

Finally, in Part III, the legal principles and the empirical results described in the previous chapters are compared and put into perspective. Chapter 9 discusses how the study results might contribute to resolving ethical and practical dilemmas in patient information. The closing chapter analyses the complex interplay of legal and social norms.

All in all, this publication is to be received with interest from lawyers, health-care providers and ethicists alike. The interdisciplinary approach is attractive, and the analyses are informative and well-written. One shortcoming is the lack of an index, but the numerous sub-titles in each chapter help overcome this to a certain extent. Each chapter offers an extensive bibliography.

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Simonstein F. (ed.): Reprogen-Ethics and the Future of Gender. Springer, Dordrecht, 2009, 224 pp, ISBN 978-90-48124749, Price: € 123.00

Assisted reproduction and the new possibilities offered by genetic technologies at the beginning of life are the topic of the essays collected in this volume edited by Frida Simonstein. The term reprogenetic in the title refers to the combined use of reproductive and genetic technologies aiming to give to the child the highest possible quality of life. The scope is, in particular, to avoid diseases that can be inherited from the parents, as well as to enhance the genetic traits of future generations.

The volume is divided into five parts that cover several aspects of the topic. Part 1 presents the current status of assisted reproductive techniques with regard to the recent fields of pre-implantation diagnosis and stem cell research. It also includes a retrospective analysis of 30 years use of artificial reproduction which has implied the medicalization and commercialization of the natural act of giving birth, and has introduced the idea of a "right to procreate".

Part 2 focuses on developing countries that, differently from developed countries having the higher prevalence of primary infertility, have the higher prevalence of secondary infertility due to several causes and particularly to sexually transmitted infections as well as to post-partum and post-abortion infections. It is interesting to note that the debate about artificial reproduction is moving away from being for or against these techniques to exploring possibilities of making them available in a manner that suites the particular situation of this part of the world. This section of the book also presents a comparison between two countries characterized by strong pro-natalist cultures, Bulgaria and Israel. It examines how assisted reproduction, as reflected by the two countries' policies, influences women's reproductive choices and make women better off. Israel is also the object of another study reported in the last chapter that focuses on people's opinion about the acceptability of artificial womb for reproductive purposes or for alleviating women's reproductive burdens.

The last three parts of the volume on Gendered futures, Parenting and Non-gendered futures are more related to the gendered dimension of assisted reproduction. This perspective does not mean that the authors' orientation is necessarily feminist, as the volume intends to facilitate an inclusive discussion of ideas on assisted reproduction and genetics that may affect gender.

Throughout the chapters, a number of different topics are treated, including genetic screening and genetic testing, the concepts of enhancement and choice, the role that culture and society play in both natural and assisted reproduction, and the potential role of education in this area. Of particular interest is the theme of women's choice and the related arguments of cultural and social conditioning as well as education. Reading the essays in a transversal way, it becomes clear that a tension exists between the use of the new reproductive technologies as a form of freedom, and the recourse to them as a result of cultural and social factors. On the one hand, the literature has underlined that reproductive technologies can liberate women from their biology and extend their choices. The recourse to genetic tests can also be seen as a help to make decisions based on women's needs and best interests, the burden of children's care falling particularly on women. On the other hand, it seems quite clear that social factors play a great role both in expectations regarding natural reproduction, and artificial reproduction and enhancement.

The idea of motherhood as equivalent to womanhood is likely to have a natural basis but is at the same time built upon social and cultural constructs: in many societies childless women are considered somehow deviant and voluntary childlessness is disapproved. In this context, as possibilities of technological assisted reproduction exist, social pressure, in terms of social increased expectations of motherhood, can be made on women. Along the same lines, the availability of genetic tests and the possibility to perform them as prenatal and preimplantation tests raises the critical issue about having "perfect" children as a form of moral duty towards society. If the present reality of artificial reproduction is centered on women's bodies and choice, the future of the reproductive techniques could perhaps be non-gendered (even if an equality of gender in reproduction seems to be a utopia for now): the volume ends with contributions focusing on artificial wombs, glass wombs and ectogenesis as a way to promote gender equality.

This book, as expressed by the editor in the introduction, can be of interest to students and scholars with different backgrounds and is accessible also to people not familiar with the topic. It can be read in a transversal way, but essays can be very well read also as totally independent contributions: they can give to the reader good elements for a reflection on the use of techniques that have become quite a common practice, and risk not having received the critical attention they still deserve.

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